

## REMARKS

In the final Office Action mailed on October 14, 2004 by the United States Patent and Trademark Office, the Examiner rejected claims 1-17. Claims 1, 8, 12, and 14 are independent claims. Reconsideration is respectfully requested in light of the following remarks. The following remarks are believed to be fully responsive and also render all currently pending claims at issue patentably distinct over the references of record.

## I. REJECTIONS UNDER 35 U.S.C. § 103

A. Hartel in view of Crabill et al.

The Examiner rejected claims 1-7, 12-14, and 16 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,454,074 (Hartel) in view of U.S. Patent No. 5,265,024 (Crabill et al.). The Office Action alleges that Hartel teaches the steps recited in independent claims 1, 12, and 14, except that Hartel does not disclose the synoptic information is a graphical overview of information wherein the graphical overview is not a checklist. The Office Action further alleges that Crabill et al. makes up for this deficiency and that Crabill et al. discloses graphical overview of information when selecting on different categories. These allegations are respectfully traversed.

To establish a prima facie case of obviousness under 35 U.S.C. § 103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based upon the Applicants' disclosure. A failure to meet any one of these criteria is a failure to establish a prima facie case of obviousness.

Here, the Examiner has failed to provide a proper motivation to combine Crabill et al. and Hartel. Hartel teaches a computer-based electronic checklist system that includes a checklist interface unit which allows the flight crew to access and execute the checklists. See col. 6, ll. 44-52. The checklist interface unit includes a pointing device such as a ball, joystick, or up/down-left/right control keys. See id. The pointing device serves as a cursor

control for a cursor or other indicia that is generated by the electronic checklist system. See id. Crabill et al. teaches a system and process for providing systematic, updated, weather information from the ground to the pilot. See Abstract. In contrast to Hartel, the pilot in Crabill et al. can selectively display the information by turning rotary knobs and pushing buttons on a control panel. See col. 8, l. 65 – col. 9, l. 15. There is no connection made in either reference between the use of rotary knobs and buttons as mentioned in Crabill et al. and a cursor, as taught in Hartel. Moreover, the allegation in the office action that Crabill et al. mentions “selecting on different categories” is inaccurate. Although Hartel relates to a checklist of many different categories of information related to an aircraft, Crabill et al. mentions displaying information that relates to a single category of information, namely, weather information. Thus, different categories of information cannot be selected, further making the combination of Crabill et al. with Hartel non-obvious.

Accordingly, as Hartel and Crabill et al. fail to suggest or motivate, either explicitly or inherently, any modification or combination of the two references and the Examiner has failed to provide such an explicit or inherent disclosure, it is respectfully submitted that the rejection of these claims and the claims that depend therefrom is improper and the Applicants request withdrawal of the § 103 rejection.

B. Hartel in view of Crabill et al. in further view of Southgate

The Examiner rejected claims 8-11 under 35 U.S.C. § 103 as being unpatentable by Hartel in view of Crabill et al. in further view of U.S. Patent No. 5,561,757 (Southgate).

As mentioned above, the Examiner has failed to provide a proper motivation to combine Crabill et al. and Hartel. Southgate relates to a method and apparatus for managing the display of multiple windows in a computer user interface and discloses using overlapping and/or tiled windows, however, Southgate, when considered in combination with either Hartel or Crabill et al., does not make up for the deficiencies of either reference.

Claims 9-11 depend from claim 8, therefore, these claims rely on the arguments presented above.

B. Hartel in view of Crabill et al. in further view of Roe

The Examiner rejected claims 15-17 under 35 U.S.C. § 103 as being unpatentable by Hartel in view of Crabill et al. in further view of U.S. Patent No. 6,529,137 (Roe).

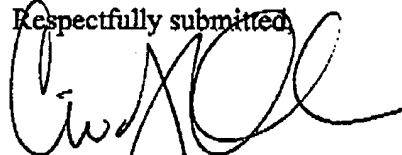
Claims 15 and 17 depend on claim 14 and rely on the arguments presented above. Additionally, Roe does not make up for the deficiencies of Hartel or Crabill et al. Thus, it is respectfully submitted that the rejection of these claims and the claims 15 and 17 that depend therefrom is improper and the Applicants request withdrawal of the § 103 rejection.

II. CONCLUSION

It is respectfully submitted that the above-identified application is in condition for allowance and such allowance is therefore earnestly requested by the Applicant. Should the Examiner have any questions or wish to further discuss the above-identified patent application, the Applicant requests that the Examiner contact the undersigned at (480) 385-5060.

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Respectfully submitted,



Cindy H. Kwacala  
Registration No. 47,667

Ingrassia, Fisher & Lorenz, P.C.  
Customer No. 29906